

**UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

AMBER R. COOK,

Plaintiff,

vs

WELTMAN, WEINBERG AND REIS CO., LPA

Defendant.

\_\_\_\_\_ /

**COMPLAINT AND JURY DEMAND**

Plaintiff, Amber R. Cook, through counsel, Stephen A. Thomas, PLC, by Stephen A. Thomas states the following claims for relief:

**JURISDICTION**

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims, which are predicated upon the same facts and circumstances that give rise to the federal causes of action.

2. This action arises out of Defendant's violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

**PARTIES**

4. Plaintiff Amber R. Cook is a natural person who resides in the City of Detroit, County of Wayne, State of Michigan, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant WELTMAN, WEINBERG AND REIS CO., LPA (“WWR”) is a Michigan Domestic Profit Corporation with its registered agent National Registered Agents, Inc. 30600 Telegraph Road, Suite 2345, Bingham Farms, Michigan 48025.

6. WWR is a law office engaged in the business of collecting on defaulted and charged off consumer debts. WWR regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. WWR is a “debt collector” as the term is defined and used in the FDCPA.

7. WWR is a “collection agency” by the State of Michigan pursuant to the Michigan Occupational Code, M.C.L. § 339.901 *et seq.*

### **VENUE**

8. The transactions and occurrences which give rise to this action occurred in Wayne County.

9. Venue is proper in the Eastern District of Michigan.

### **GENERAL ALLEGATIONS**

10. That Defendant WWR attempted to collect on a Nordstrom Bank account which was purchased by Midland Credit Management for pennies on the dollar.

11. That Defendant WWR sent two dunning letters-- each with different amounts.

12. Dunning letter dated April 18, 2014 listed an amount of \$750.93. See

Exhibit A.

13. Dunning letter dated April 24, 2014 listed an amount of \$795.93. See

Exhibit B.

14. That Defendant WWR filed a lawsuit in the 36th District Court for an amount of \$750.93 on April 25, 2014 for an alleged Midland Funding, LLC debt for an old Nordstrom Bank account.

15. Plaintiff Cook has consistently disputed that she owed money to Midland Funding, LLC for an old Nordstrom Bank account.

16. Plaintiff Cook has suffered actual damages having to defend the 36th District Court lawsuit for a debt she believed she did not owe.

17. Plaintiff Cook had to retain counsel to defend the 36th District Court lawsuit.

18. Plaintiff Cook has had to miss work in defending the 36th District Court lawsuit.

19. Plaintiff Cook has had to pay for parking to meet with her attorney.

20. That the 36th District Court lawsuit was dismissed with prejudice.

21. That Plaintiff Cook has suffered emotional distress as a result of the violation of the Fair Debt Collection Practices Act.

**COUNT I - FAIR DEBT COLLECTION PRACTICES ACT.**

22. Plaintiff incorporates the preceding allegations by reference.

23. At all relevant times Defendant WWR, in the ordinary course of business, regularly engaged in the practice of collecting debts on behalf of other individuals or

entities.

24. Plaintiff Cook is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

25. Defendant WWR is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692a(6).

26. Defendant WWR's foregoing acts in attempting to collect this debt violated 15 U.S.C. § 1692 et seq.

27. Plaintiff Cook has suffered economic, emotional, general and statutory damages as a result of these violations of the FDCPA.

**COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE.**

28. Plaintiff Cook incorporates the preceding allegations by reference.

29. Defendant WWR is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).

30. Plaintiff Cook is a "debtor" as that term is defined in M.C.L. § 339.901(f).

31. Defendant WWR's foregoing acts in attempting to collect this debt violated M.C.L. § 339.915.

32. Plaintiff Cook has suffered damages as a result of these violations of the Michigan Occupational Code.

33. These violations of the Michigan Occupational Code were willful.

**COUNT III - VIOLATION OF THE MICHIGAN COLLECTION PRACTICES ACT.**

34. Plaintiff incorporates the preceding allegations by reference.

35. Defendant WWR is a "regulated person" as that term is defined in the Michigan Collection Practices Act ("MCPA"), at M.C.L. § 445.251.

36. Plaintiff Cook is a "consumer" as that term is defined at M.C.L. § 445.251.

37. Defendant WWR's foregoing acts in attempting to collect this debt violated M.C.L. § 445.252.

38. Plaintiff Cook has suffered damages as a result of these violations of the MCPA.

39. These violations of the MCPA were willful.

#### **DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury in this action.

#### **DEMAND FOR JUDGMENT FOR RELIEF**

Wherefore, Plaintiff requests that the Court grant her the following relief against Defendant WWR:

- a. Actual damages.
- b. Statutory damages.
- c. Treble damages.
- d. Statutory costs and attorney fees.

April 13, 2015

Respectfully submitted,

/s/ Stephen A. Thomas  
STEPHEN A. THOMAS P43260  
Attorney for Plaintiff  
645 Griswold St., Suite 1360  
Detroit, Michigan 48226  
313-965-2265  
sthomas@313965bank.com

# Exhibit A



**WELTMAN, WEINBERG & REIS Co., LPA**

**ATTORNEYS AT LAW**

*Over 80 Years of Service.*

2155 Butterfield Drive, Suite 200-S Troy, MI 48084-3463  
(513) 723-6020 (800) 210-5514  
MON-THURS 8AM-8PM, FRI 8AM-5PM, & SAT 8AM-12PM EST

April 24, 2014

AMBER COOK  
18939 STRATHMOOR ST  
DETROIT MI 48235-2567

RE: Current Creditor: MIDLAND FUNDING LLC  
NORDSTROM BANK  
Account No.: XXXXX5455  
WWR No.: 20517983  
Balance Due as of April 24, 2014: \$795.93

**\*\*Take Advantage Of This Savings Opportunity During This Tax Season\*\***

Dear AMBER COOK:

As you are aware, we represent the current creditor on the above referenced matter. Perhaps you already spoke to a collection representative who explained the seriousness of the matter, or maybe you have not yet called us to discuss payment options. In any event, it is our client's desire to resolve this matter timely and amicably without further collection efforts.

During this tax season, we invite you to call us toll free at 1-800-210-5514 to discuss utilizing your income tax refund as a source of funds to satisfy this obligation for a reduced amount. We would like to offer you an opportunity to take advantage of the substantial savings available by speaking with a collection representative.

Thank you for your anticipated willingness to resolve this matter. This communication is from is a debt collector attempting to collect this debt for the current creditor and any information obtained will be used for that purpose.

Sincerely,

Weltman, Weinberg & Reis Co., L.P.A.

347ONWELT01369

\*\*\*To receive proper credit on your account, please detach the bottom portion and return with your payment in the enclosed envelope\*\*\*

2155 Butterfield Drive, Suite 200-S  
Troy, MI 48084-3463  
ADDRESS SERVICE REQUESTED

**Account No.: 20517983**

Balance Due: \$795.93

April 24, 2014

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AMBER COOK  
18939 STRATHMOOR ST  
DETROIT MI 48235-2567

**WELTMAN, WEINBERG & REIS CO., L.P.A.**

P.O. Box 5996

Cleveland, OH 44101-0996

H02/369/18761162/0421



# Exhibit B



Law Offices of  
Weltman, Weinberg & Reis Co., L.P.A.  
2155 Butterfield Drive, Suite 200-S  
Troy, Michigan 48084  
(248) 362-6100

April 18, 2014

AMBER COOK  
18939 STRATHMOOR ST  
DETROIT, MI 48235

Creditor:  
MIDLAND FUNDING LLC

Internal No: 8560815939  
Account No: XXXXX5455  
Balance: \$750.93  
as of April 18, 2014  
Our file No: 20517983 C A Det NPR

Please send payments to:  
Weltman, Weinberg & Reis Co.  
P.O. Box 5996  
Cleveland, Ohio 44101-0996

Dear: AMBER COOK

A lawsuit is being filed against you in the above-captioned matter. As of the date of this letter you owe the amount listed above. If you wish to resolve this matter without the necessity of a contested lawsuit and possible post-judgment legal proceedings, you may make arrangements for liquidation of the balance due and owing by contacting this office to make amicable arrangements for payment of this account.

In the event a judgment is rendered against you, the following post-judgment proceedings among others may be instituted:

1. A garnishment can be filed on your non-exempt wages.
2. Your non-exempt personal property is subject to execution by the bailiff or sheriff of the court.
3. A judgment lien can be filed against all real property owned by you in the State of Michigan

You should be receiving the summons and complaint from the court in the near future. Those documents will advise you of the action necessary to respond to the lawsuit.

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

Very truly yours,

Jonathan A. VanGemert, P71070